

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GENENTECH, INC. and CITY OF
HOPE,

Plaintiffs,

V.

AMGEN INC.,

Defendant.

Civ. No. 17-1407- CFC. consol.

ORDER

IT IS HEREBY ORDERED, for the reasons stated in the Memorandum Opinion filed on this date, that Genentech's motion to dismiss Amgen's first amended counterclaims and strike Amgen's third, fourteenth, and fifteenth affirmative defenses (C.A. No. 17-1407, D.I. 128; C.A. No. 17-1471, D.I. 126) is GRANTED IN PART and DENIED IN PART:

1. The motion is granted with respect to Counts 8 and 15 of Amgen's counterclaims and denied in all other respects.

2. Counts 8 and 15 of Amgen's counterclaims (C.A. No. 17-1407, D.I. 120, Counterclaims ¶¶ 118–24, 169–75; C.A. No. 17-1471, D.I. 118, Counterclaims ¶¶ 118–24, 169–75) are DISMISSED WITH PREJUDICE.

Dated: February 11, 2020

UNITED STATES DISTRICT JUDGE